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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10)
11) CASE NO. CR04-192-JCC
12 Plaintiff,)
13)
14 v.)
15 MAXIMO AGUILAR, III,)
16) SUMMARY REPORT OF U.S.
17 Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
)

18 An initial hearing on supervised release revocation in this case was scheduled before me
19 on February 15, 2013. The United States was represented by AUSA Ehren Reynolds for Sarah
20 Vogel and the defendant by Paula Deutsch for Erik Levin. The proceedings were digitally
21 recorded.

22 Defendant had been sentenced on or about September 24, 2004 by the Honorable John
23 C. Coughenour on a charge of Possession of Methamphetamine with Intent to Distribute, and
24 sentenced to 70 months custody, 5 years supervised release.

25 The conditions of supervised release included the standard conditions plus the
26 requirements that defendant participate in drug testing and treatment, abstain from alcohol, be

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01 prohibited from possessing a firearm, submit to search, and provide his probation officer with
02 financial information as requested. (Dkt. 39.)

03 On January 15, 2012, defendant was sentenced to three months in custody, 57 months
04 supervised release for associating with a known felon, using methamphetamine, and failing to
05 report for drug testing. (Dkt. 58.) He was also ordered to satisfactorily participate in a
06 residential reentry program for up to 120 days.

07 On September 21, 2009, defendant's probation officer reported that he tested positive
08 for methamphetamine. Defendant was reprimanded, placed in a structured and more frequent
09 testing program, and referred for professional assessment. No further action was taken at the
10 time. (Dkt. 46.) Following a report from defendant's probation officer that he had committed
11 violations consisting of traveling outside the District without permission, failing to report a
12 change in residence, failing to submit monthly reports, failing to report contact with law
13 enforcement, and failing to report as directed, defendant was ordered on November 16, 2010 to
14 satisfactorily participate in a residential reentry program for up to 180 days. (Dkt. 60.)

15 Following a report from defendant's probation officer that he had used
16 methamphetamine, failed to report for drug testing, and failed to report to the probation office
17 as instructed, defendant was ordered on July 20, 2011 to successfully participate in a residential
18 reentry program for up to 120 days. (Dkt. 64.)

19 Defendant's supervised release was revoked on October 7, 2011 for using
20 methamphetamine and failing to participate in and successfully complete the residential reentry
21 center (RRC) program for up to 120 days. He was sentenced to three months in custody, three
22 years supervised release, and required to reside in a RRC for up to 90 days. (Dkt. 76, 77.)

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Defendant's supervised release was revoked on October 26, 2012 for using methamphetamine and failing to report to his probation officer. He was sentenced to three months in custody, three months supervised release, and required to participate in the RRC program for three months. (Dkt. 89.)

In an application dated February 4, 2013 (Dkt. 90, 91), U.S. Probation Officer Frances L. Davis alleged the following violation of the conditions of supervised release:

1. Failing to reside at a Residential Reentry Center for three months.

Defendant was advised in full as to the charge and as to his constitutional rights.

Defendant admitted the violation and waived any evidentiary hearing as to whether it occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Coughenour.

Pending a final determination by the Court, defendant has been detained.

DATED this 15th day of February, 2013.

Maele Dederlin

Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable John C. Coughenour
AUSA: Ehren Reynolds, Sarah Vogel
Defendant's attorney: Paula Deutsch, Erik Levin
Probation officer: Frances L. Davis

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